## REMARKS

In view of the following remarks, reconsideration is respectfully requested.

Claims 62-110 were rejected under 35 U.S.C. § 103(a) as being unpatentable over various combinations of Curreri (U.S. 2001/0054183), Porter (U.S. 2002/0023262), Maggio et al. (U.S. 2006/0253330), Eldering et al. (U.S. 2007/0240181), Lin (U.S. 6,934,917), Maissel et al. (U.S. 6,637,029), Ellis et al. (U.S. 5,986,650), Matz et al. (U.S. 7,360,160), Matthews (U.S. 6,037,877), and Hendricks et al. (U.S. 5,798,785). These rejections are believed clearly inapplicable to independent claims 62, 80 and 95 and claims 63-79, 81-94 and 96-110 that depend therefrom for the following reasons.

Independent claim 62 recites a method for controlling channel changes of a tuner/receiver, the method including, in part, monitoring channel change commands received from a user during a zapping session during which channels are discarded and identifying a discarded channel. Further, claim 62 recites determining whether or not a program transmitted on an identified discarded channel has changed. In addition, claim 62 recites preventing the tuner/receiver from tuning to the discarded channel during a remainder of the zapping session unless said determining determines that the program transmitted on the discarded channel has changed. Finally, claim 62 recites that the identifying of the discarded channel includes (i) monitoring a time that the user has viewed a channel during the zapping session, and (ii) based on the time that the user has viewed the channel during the zapping session, determining whether or not the channel is the discarded channel. Curreri, Porter, Maggio, Eldering, Lin, Maissel, Ellis, Matz, Matthews and/or Hendricks, or any combination thereof fail to disclose or suggest the above-mentioned distinguishing features as recited in independent claim 62.

13

Initially, please note that the above-described 35 U.S.C. § 103(a) rejection acknowledges that the combination of Curreri and Porter fails to disclose or suggest that the identifying of the discarded channel includes (i) monitoring a time that the user has viewed a channel during the zapping session, and (ii) based on the time that the user has viewed the channel [during the zapping session], determining whether or not the channel is the discarded channel, as recited in claim 62. In light of the above, this rejection relies on Maggio for teaching the above-mentioned features which are <u>admittedly lacking</u> from the combination of Curreri and Porter.

However, Maggio merely describes a system and a method for replacing commercial content with alternative content, such as interactive advertising content (<u>see</u> abstract). More specifically, Maggio teaches that channel selections made by a user are sent to a remote processing center for statistical analysis in order to characterize a viewing pattern of a user (<u>see</u> paragraphs [0496]-[0504]). This statistical analysis is used to determine whether the commercial content is to be replaced with the alternative content. Regarding the statistical analysis performed at the remote processing center, the remote processing center has the ability to ignore channel selection data that appears to be invalid and will be likely to skew the statistical analysis.

For example, paragraph [0501] teaches that <u>data</u> indicating that a user has viewed several continuous days of programming without changing a channel <u>may be disregarded for the purposes of subsequent statistical analysis</u> performed at the remote processing center for determining viewing patterns. Therefore, it is apparent that <u>data representing the user's viewing habits may be disregarded</u> under specific conditions.

Thus, in view of the above, it is clear that Maggio teaches that, for purposes of performing a statistical analysis of a user's viewing habits, <u>data representing the user's viewing</u>

14

habits is disregarded under specific conditions, but fails to disclose or suggest determining whether a channel is a disregarded channel based on a time that a viewer has viewed a channel during a zapping session, as required by claim 62.

In other words, although Maggio teaches disregarding data representing a user's viewing habits, Maggio still fails to disclose or suggest identifying a discarded channel by monitoring a time that the user has viewed a channel during the zapping session, and, based on the time that the user has viewed the channel, determining whether or not the channel is a discarded channel, as required by claim 62.

More specifically, it is evident that Maggio teaches that, if a user continuously watches a same channel for several continuous days, then data indicating that the user has continuously viewed the same channel for multiple days is ignored for the purposes of performing a statistical analysis. However, although Maggio teaches that time is a factor when determining whether or not to discard the data indicating the viewing habits of the user, Maggio still fails to disclose or suggest identifying a discarded channel by monitoring a time that the user has viewed a channel during the zapping session, and, based on the time that the user has viewed the channel, determining whether or not the channel is a discarded channel, as required by claim 62.

Therefore, because of the above-mentioned distinctions it is believed clear that claim 62 and claims 63-79 that depend therefrom would not have been obvious or result from any combination of Curreri, Porter and Maggio.

Furthermore, there is no disclosure or suggestion in Curreri, Porter and Maggio or elsewhere in the prior art of record which would have caused a person of ordinary skill in the art to modify Curreri, Porter and/or Maggio to obtain the invention of independent claim 62.

15

Accordingly, it is respectfully submitted that independent claim 62 and claims 63-79 that depend therefrom are clearly allowable over the prior art of record.

Amended independent claims 80 and 95 are directed to a system and program, respectively and each recite features that correspond to the above-mentioned distinguishing features of independent claim 62. Thus, for the same reasons discussed above, it is respectfully submitted that independent claims 80 and 95 and claims 81-94 and 96-110 that depend therefrom are allowable over Curreri, Porter and Maggio.

As stated above, dependent claims 63-79, 81-94 and 96-110 were rejected under 35 U.S.C. § 103(a) as being unpatentable over various combinations of Curreri, Porter, Maggio, Lin, Matthews, Eldering, Maissel, Ellis, Matz, and Hendricks. However, it is respectfully submitted that the Lin, Matthews, Eldering, Maissel, Ellis, Matz and Hendricks references also fail to disclose or suggest the above-mentioned distinguishing features, as recited in independent claims 62, 80 and 95. Thus, at least due to their dependence on independent claims 62, 80 and 95, it is respectfully submitted that dependent claims 63-79, 81-94 and 96-110 are not obvious in view of any combination of Curreri, Porter, Maggio, Lin, Matthews, Eldering, Maissel, Ellis, Matz, and Hendricks.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

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